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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/396,005	09/13/1999	KHAI HEE KWAN		6815
23336	7590	02/10/2006	EXAMINER	
KHAI HEE KWAN 315 AVOCA ST. RANDWICK, 02031 AUSTRALIA			ART UNIT	PAPER NUMBER

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

09/396,005

Examiner

James A. Reagan

Applicant(s)

KWAN, KHAI HEE

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 22 October 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Claims must begin on a separate sheet of paper.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

## DETAILED ACTION

### Status of Claims

1. This action is in response to the RCE filed on 04 December 2005.

### Notice of Non-Compliant Response

2. 37 CFR 1.121 states that whenever there is any amendment to a claim, a claim listing of all claims ever presented in the case must be supplied in ascending numerical order. In addition, the claim listing must include:
  - The **claim number** of every claim ever presented in the application, whether entered or not;
  - A **status identifier**, in parentheses, following each claim number;
  - The text of all pending claims (including withdrawn claims); and
  - **Markings** to show the changes made only to the current amendment relative to immediate prior version.
3. The seven (7) permissible status identifiers are:
  1. **(Original)**: Claim filed with the original specification.
    - Not added by a preliminary amendment and
    - Not previously amended.
  2. **(Currently amended)**: Claim being amended and which is not withdrawn from the current amendment.
    - Must include markings (strikethrough, double brackets, or underlining) to indicate changes.

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3. **(Cancelled):** Claim cancelled or deleted in current amendment or previously cancelled/deleted.

- Do not present the text of a cancelled claim.
- Consecutive cancelled claims may be grouped together (e.g. claims 1-5 (cancelled)).

4. **(Withdrawn):** Non-elected claim.

- The text of a withdrawn claim must be presented.
- Currently amended withdrawn claims must be presented with markings (strikethrough, double brackets, or underlining) to indicate changes.

5. **(Previously presented):** Claim that was previously added or amended in an earlier amendment paper.

6. **(New):** Claim being added in the current amendment paper.

- The text of the claim must be presented in clean form without underlining.

7. **(Not entered):** Claim presented in a previously unentered amendment.

- Do not present the text of a not entered claim.
- Consecutive not entered claims may be grouped together (e.g. claims 1-5 (not entered)).

4. In the present case, claims 41-43 appear to be new claims, but are not properly identified. In addition, Applicant is counseled to begin the listing of claims on a SEPARATE sheet in order to properly scan the claims into IFW.

5. Applicant has one (1) month to resubmit the corrected amendment.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A.**

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**Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

or faxed to:

**571-273-8300** [Official communications, After Final communications labeled "Box AF"]

**571-273-8300** [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

JAMES A. REAGAN

Primary Examiner

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07 February 2006

A handwritten signature in black ink, appearing to read 'J. Reagan', with a long horizontal line extending to the right.